

December 23, 2014

**MEMO ENDORSED****VIA E-MAIL AND ECF**

The Honorable Denise L. Cote  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street, Room 1610  
 New York, NY 10007-1312

1/12/2015

Re: FHFA v. Nomura Holding America Inc., No. 11 Civ. 6201 (DLC)

Dear Judge Cote:

Plaintiff Federal Housing Finance Agency (“FHFA”) and Defendants in the above-captioned Action (collectively, the “Parties”) write concerning the Court’s endorsement of FHFA’s December 5, 2014 letter (Dkt. 965), ordering the Parties to submit a joint report listing the proposed redactions to FHFA’s oppositions to Defendants’ Motion *in Limine* Number 1, on James Barth and the Financial Crisis, its Motion *in Limine* Number 2, on References to the Government, and its Motion *in Limine* Number 3, on Robert Hunter’s Testimony re Unnamed Originators, and supporting materials in *FHFA v. Nomura Holding America Inc.*, No. 11 Civ. 6201 (DLC).

The Parties have met and conferred and agree that there are no proposed redactions to FHFA’s oppositions to Defendants’ Motions *in Limine* Number 1 or Number 2. The Parties have also agreed that the documents in support of FHFA’s Opposition to Defendants’ Motion *in Limine* Number 3 identified herein should be filed in redacted form or under seal, as described in detail below. Pursuant to this Court’s prior orders on these subjects and consistent with Sections 2.6, 2.7, 2.8, and 9 of the First Amended Protective Order dated January 11, 2013, the Parties propose to redact or file under seal documents that contain non-party borrower information. There is no dispute among the parties as to what materials should be redacted.

The following chart reflects the exhibits to which the Parties are requesting redaction:

<i>FHFA v. Nomura Holding America Inc.</i> , <b>Exhibits to FHFA’s Opposition to Defendants’ Motion <i>in Limine</i> Number 3</b>		
<b>Exhibit Number</b>	<b>Location of Redaction (pages, paragraphs, under seal)</b>	<b>Reason for Redaction</b>
8	Pages 110-120	Borrower information
14	Pages 1040-1078 of the pdf (NOM-FHFA_00001177 to NOM-FHFA_00001215)	Borrower information
20	Paras. 187, 190, 191, 224, 225, 226, 228, 229, 239, 240, 241, 243, 252, 253, 254, FN 429,	Borrower information

<p style="text-align: center;"><i>FHFA v. Nomura Holding America Inc.,</i>  <b>Exhibits to FHFA's Opposition to Defendants' Motion in Limine Number 3</b></p>		
<b>Exhibit Number</b>	<b>Location of Redaction (pages, paragraphs, under seal)</b>	<b>Reason for Redaction</b>
	262, 263	
21	Under seal	Borrower information
22	Under seal	Borrower information
23	Under seal	Borrower information

Because the exhibits are too voluminous to send via email, highlighted copies of all of the above-listed exhibits are being submitted to the Court via DVD.

Respectfully Submitted,

*/s/ Philippe Z. Selendy*

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